Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
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Ex parte SHINPEI IKENOUE and TAKAAKI TERASHITA
_____

Appeal No. 96-1184
Application No. 08/128,568[1]
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HEARD: August 3, 1999
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Before THOMAS, MARTIN, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.


DECISION ON APPEAL

This is a decision on appeal from the examiner's final

rejection of claims 1 through 20 and 22 through 36.  Claim 21

has been canceled.  Claim 37 has been allowed.

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[1] Application for patent filed September 29, 1993.  According to appellants, this application is a continuation of Serial No. 07/753,770, filed September 3, 1991, now abandoned.

The appellants' invention relates to a photographic

printing method in which photographic data is converted

according to recording format data.  Claim 30 is illustrative

of the claimed invention, and it reads as follows:

30.  A photographic printing method for printing an image
frame on a photosensitive material, the image frame being
placed on a photographic film by a camera which records
photographing data and recording format data on a recording
medium upon photographing, said method comprising the steps
of:

(a)  reading the recording format data and the
photographic data from the recording medium;

(b)  converting the photographic data based on the
recording format read in step (a) to produce converted
photographing data; and

(c)  printing the image frame on the photosensitive
material based on the converted photographing data.

The prior art references of record relied upon by the

examiner in rejecting the appealed claims are:

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|---|---|---|
| Rosborough, Jr. et al. 1981 (Rosborough) | 4,293,215 | Oct. 06, |
| von Stein et al. (von Stein) 13, 1983 | 4,403,854 | Sep. |
| Terashita      (Terashita I) 06, 1988 | 4,769,695 | Sep. |
| Terashita et al. (Terashita II) 1989 | 4,797,713 | Jan. 10, |
| Cloutier et al. (Cloutier) 1992 | 5,130,745 | Jul. 14, |

(Filed Apr. 12, 1991)

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Robison                                    5,194,892                    Mar. 16,
1993
                                                        (Filed Apr. 16, 1991)

     Claims 1 through 20 and 22 through 36 stand rejected

under 35 U.S.C. § 103 as being unpatentable over von Stein,

Cloutier, Rosborough, Terashita I, Terashita II, and Robison.

     Reference is made to the Examiner's Answer (Paper No. 22,

mailed May 9, 1995) for the examiner's complete reasoning in

support of the rejections, and to the appellants' Brief (Paper


No. 21, filed January 31, 1995) and Reply Brief (Paper No. 24,

filed July 7, 1995) for the appellants' arguments

thereagainst.

                               OPINION

     We have carefully considered the claims, the applied

prior art references, and the respective positions articulated

by the appellants and the examiner.  As a consequence of our

review, we will reverse the obviousness rejection of claims 1

through 20 and 22 through 35 and affirm the obviousness

rejection of claim 36.

The examiner quotes a large portion of von Stein, stating

(Answer, page 9) that

> it is abundantly clear from Von [sic] Stein that
> those skilled in the art know very well that it is
> advantageous and a well known practice to place
> indicia on the film so that the computer will be
> directed to the appropriate stored information and
> automatically adjust the printer parameters for the
> particular film criteria.

The examiner cites the remaining references as teaching

recording data with respect to individual image frames, and

concludes that the combined teachings of the references "would

clearly have motivated one skilled in the art to automate the

apparatus by storing the needed adjustments in the computer

and providing an identifying indicia on the film to direct the

computer to the appropriate information for making

adjustments."  (Answer page 10.)

We agree that von Stein teaches recording the type of

film and making exposure control adjustments in the printer

according to the recorded type of film.  Further, although the

examiner

does not point to any specific teachings in the other

references, but rather generally describes what is disclosed

therein, we agree with the examiner that the remaining

references teach or suggest recording photographic data for each individual frame. We likewise agree with the examiner's conclusion that it would have been obvious from the combined disclosures to direct the computer to the appropriate photographic data for each individual frame.

However, independent claims 1 and 30 recite more than locating photographic data for each frame and making printer adjustments according to the film type and the photographic data. Claims 1 and 30 require converting the photographic data based on the recording format data read in a previous step. The examiner has failed to address the limitation of converting the photographic data, and we find no suggestion in any of the references to transform the photographic data in any way. Accordingly, we cannot sustain the rejection of claims 1 and 30 and their dependents, claims 2 through 20, 22 through 29, and 31 through 35.

Claim 36, on the other hand, does not recite converting the photographic data. Claim 36 merely requires recording photographic data and format data indicating the format for the photographic data. As "format" is defined in the 1982

version of The Random House College Dictionary as "**3.** the

organization, plan, style, or type of something: *a complicated*

*format" or "***4.** *Computer Technol*. the organization or

disposition of symbols on a magnetic tape, punch card, or the

like, in accordance with the input requirements of a computer,

card-sort machine, etc.," the format data of claim 36 broadly

encompasses any information describing the organization of the

photographic data.

Robison discloses (column 3, lines 20-24) that the

problem solved is "how to permit the photofinisher to use

magnetic recording on film . . . using the same magnetic

recording format . . . for all cases."  Robison teaches

(column 3, lines 32-39) that

> [m]agnetic reading and writing of information in a
> virtually transparent magnetic layer in the film
> during each stage of film use and film processing is
> restricted to certain dedicated parallel tracks
> extending longitudinally along the length of the
> film, the choice of track being determined in
> accordance with the particular information being
> recorded.  Each track begins and ends essentially
> within a particular frame.

Thus, Robison suggests recording the photographic data using a

particular format, or organization, based on tracks of the

magnetic film.

Further, Robison discloses (column 4, lines 1-44):

    Each block of data is appended to a virtual
identification code whose meaning is defined in a
look-up table accessable [sic] to the system.
Instructions contained in the look-up table for a
given virtual identification code provide the byte
location of and encoding (recording) or decoding
(playback) algorithm for several related parameters
recorded within the data block bearing that
identification code.  Any one of three types of
virtual identification codes are employed, depending
upon the type of related data recorded in the block
. . . .

    In a preferred embodiment of the invention, the
various types of information are allocated among the
dedicated tracks in accordance with groups of
related information types or parameters, some
individual groups being used by more than one stage
of the film use cycle.  Furthermore, in this
preferred embodiment, information common to all
frames of the film is in dedicated tracks on the
film leader.  Specifically, information such as film
type, camera type, owner identification, a directory
of written information and the like are recorded in
a first camera track . . . designated track CO while
the film leader is designated frame O.  Scene
related parameters automatically sensed by the
camera (such as scene luminance, camera orientation,
color temperature, flash fire, etc.) are recorded in
track CO in each subsequent frame (e.g. frames 1-
25). . . .  Clearly, an intelligent photofinishing
classifier station, in attempting to compute the
optimum exposure conditions to make a print, would

> read the data on track CO in each of frames 1
> through 25 (for example), . . . .

Robison states (column 11, lines 41-42) that "a universal ID

code dictionary is illustrated in FIG. 7."  Thus, Robison

discloses

defining the format for the photographic data in a look-up

table which is stored.  In other words, Robison teaches

storing on a recording medium both recording format (or

organizational) data and photographic data for each image

frame, with the recording format data indicating the recording

format for the photographic data.  Cloutier includes language

almost identical to that quoted above from Robison in columns

3, 4, and 10, respectively.  Accordingly, claim 36 is clearly

met by Robison and Cloutier, with the remaining references

being merely cumulative. Consequently, we will affirm the

rejection of claim 36.

## CONCLUSION

In summary, the decision of the examiner rejecting claim 36 under 35 U.S.C. § 103 is affirmed.  The decision of the examiner rejecting claims 1 through 20 and 22 through 35 under 35 U.S.C.  § 103 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

<u>AFFIRMED-IN-PART</u>

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|---|---|
| JAMES D. THOMAS | ) |
| Administrative Patent Judge | ) |
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| | ) |
| | ) BOARD OF PATENT |
| JOHN C. MARTIN | )      APPEALS |
| Administrative Patent Judge | )       AND |
| | )  INTERFERENCES |
| | ) |
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| | ) |
| ANITA PELLMAN GROSS | ) |
| Administrative Patent Judge | ) |

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